

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1061**

Introduced by Janssen, 15.

Read first time January 21, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to postsecondary education; to amend section  
2 85-1412, Revised Statutes Supplement, 2009; to adopt  
3 the Tuition Equalization Grant Program Act; to harmonize  
4 provisions; and to repeal the original section.

5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 7 of this act shall be known and  
2 may be cited as the Tuition Equalization Grant Program Act.

3           Sec. 2. The Legislature finds that:

4           (1) Increasing the number of Nebraskans with high  
5 levels of educational attainment is essential to support economic  
6 expansion and diversification and is important to the long-term  
7 interests of the state;

8           (2) It is important to enroll Nebraska high school  
9 graduates in Nebraska postsecondary educational institutions;

10          (3) Enrolling talented Nebraska high school graduates  
11 will assist Nebraska postsecondary educational institutions in  
12 increasing student retention and student persistence in completing  
13 postsecondary education;

14          (4) Choice of postsecondary educational institutions is  
15 important in determining student success; and

16          (5) Nebraska would be well served by creating a tuition  
17 equalization grant program for its high school graduates.

18          Sec. 3. For purposes of the Tuition Equalization Grant  
19 Program Act:

20          (1) Commission means the Coordinating Commission for  
21 Postsecondary Education;

22          (2) Eligible postsecondary educational institution means  
23 a nonpublic, privately controlled, and nonprofit postsecondary  
24 educational institution:

25          (a) Located in Nebraska;

1           (b) Primarily engaged in the instruction of students;

2           (c) Satisfying the provisions of Nebraska law  
3 relating to the approval and licensure of schools, colleges,  
4 and universities and maintaining accreditation by a regional  
5 accrediting organization recognized by the United States Department  
6 of Education;

7           (d) Offering courses of instruction in regularly  
8 scheduled classes to regularly enrolled undergraduate students who  
9 reside in Nebraska and have received high school diplomas or their  
10 equivalent; and

11           (e) Which has adopted, and has available for inspection,  
12 award refund and repayment policies;

13           (3) Eligible student means a United States citizen who:

14           (a) (i) Is a high school student who is domiciled in  
15 Nebraska, (ii) is a graduate of a high school located in Nebraska,  
16 (iii) has been accepted for enrollment as a full-time undergraduate  
17 student in an eligible postsecondary educational institution, (iv)  
18 will be eligible to receive a federal Pell Grant from the United  
19 States Department of Education or a federally subsidized loan from  
20 the Federal Family Education Loan Program or from the William  
21 D. Ford Direct Loan Program, and (v) complies with all other  
22 provisions of the Tuition Equalization Grant Program Act and the  
23 rules and regulations adopted pursuant to the act; or

24           (b) (i) Is a resident student who is domiciled in  
25 Nebraska, (ii) is a full-time undergraduate student, (iii) is

1 enrolled in an eligible postsecondary educational institution, (iv)  
2 is eligible to receive a federal Pell Grant from the United States  
3 Department of Education or a federally subsidized loan from the  
4 Federal Family Education Loan Program or from the William D. Ford  
5 Direct Loan Program, and (v) complies with all other provisions of  
6 the act and the rules and regulations adopted pursuant to the act;  
7 and

8 (4) Undergraduate student has the definition found in  
9 section 85-1910.

10 Sec. 4. (1) The tuition equalization grant program is  
11 created. The program shall provide tuition equalization grants on  
12 a first-come, first-served basis to eligible students enrolled in  
13 eligible postsecondary educational institutions.

14 (2) A grant under the tuition equalization grant program  
15 for the fall and spring semesters shall be the amount of the  
16 student's financial need for that period but shall not exceed the  
17 total tuition and mandatory fees for two semesters for the minimum  
18 number of credit hours that will qualify the student as a full-time  
19 student or four thousand five hundred dollars, whichever is less.

20 (3) A grant under the tuition equalization grant program  
21 may be renewed for up to three additional academic years if  
22 the recipient remains in compliance with the Tuition Equalization  
23 Grant Program Act and continues to be a full-time student making  
24 satisfactory progress toward a first baccalaureate degree.

25 Sec. 5. A tuition equalization grant under the

1 tuition equalization grant program may be made annually for  
2 the fall and spring semesters. Payments under the grant shall  
3 be allocated equally between the semesters upon certification  
4 by the eligible postsecondary educational institution that the  
5 student is admitted and enrolled in classes. If the eligible  
6 student discontinues attendance before the end of a semester,  
7 he or she shall remit any award balances allowable to the  
8 eligible postsecondary educational institution in accordance with  
9 the eligible postsecondary educational institution's withdrawal  
10 policy. An eligible postsecondary educational institution may  
11 redistribute to other eligible students any award balance returned  
12 in accordance with its refund policy. Award funds not distributed  
13 or redistributed within the semester in which the funds were  
14 allocated shall be returned to the commission by the eligible  
15 postsecondary educational institution.

16       Sec. 6. The Tuition Equalization Grant Program Fund is  
17 created. The fund shall consist of money appropriated by the  
18 Legislature and any other funds received as grants, gifts, or  
19 bequests. Grants pursuant to the tuition equalization grant program  
20 shall be made from the fund. Any money in the fund available for  
21 investment shall be invested by the state investment officer as  
22 provided in the Nebraska Capital Expansion Act and the Nebraska  
23 State Funds Investment Act.

24       Sec. 7. The commission shall adopt and promulgate rules  
25 and regulations to carry out the Tuition Equalization Grant Program

1 Act. The rules and regulations shall provide for applications  
2 and other necessary forms, developing a process for reviewing  
3 applications which includes, but is not limited to, determination  
4 of eligibility, tuition and mandatory fees, and residency, and the  
5 awarding of grants on a first-come, first-served basis. The rules  
6 and regulations shall also provide for prorating of the available  
7 funds if they are not sufficient to pay for all grants awarded in  
8 an award year.

9           Sec. 8. Section 85-1412, Revised Statutes Supplement,  
10 2009, is amended to read:

11           85-1412 The commission shall have the following  
12 additional powers and duties:

13           (1) Conduct surveys and studies as may be necessary to  
14 undertake the coordination function of the commission pursuant  
15 to section 85-1403 and request information from governing  
16 boards and appropriate administrators of public institutions and  
17 other governmental agencies for research projects. All public  
18 institutions and governmental agencies receiving state funds  
19 shall comply with reasonable requests for information under this  
20 subdivision. Public institutions may comply with such requests  
21 pursuant to section 85-1417;

22           (2) Recommend to the Legislature and the Governor  
23 legislation it deems necessary or appropriate to improve  
24 postsecondary education in Nebraska and any other legislation it  
25 deems appropriate to change the role and mission provisions in

1 sections 85-917 to 85-966.01;

2 (3) Establish any advisory committees as may be necessary  
3 to undertake the coordination function of the commission pursuant  
4 to section 85-1403 or to solicit input from affected parties  
5 such as students, faculty, governing boards, administrators  
6 of the public institutions, administrators of the private  
7 nonprofit institutions of postsecondary education and proprietary  
8 institutions in the state, and community and business leaders  
9 regarding the coordination function of the commission;

10 (4) Participate in or designate an employee or employees  
11 to participate in any committee which may be created to prepare  
12 a coordinated plan for the delivery of educational programs and  
13 services in Nebraska through the telecommunications system;

14 (5) Seek a close liaison with the State Board of  
15 Education and the State Department of Education in recognition  
16 of the need for close coordination of activities between elementary  
17 and secondary education and postsecondary education;

18 (6) Administer the Integrated Postsecondary Education  
19 Data System or other information system or systems to provide the  
20 commission with timely, comprehensive, and meaningful information  
21 pertinent to the exercise of its duties. The information system  
22 shall be designed to provide comparable data on each public  
23 institution. The commission shall also administer the uniform  
24 information system prescribed in sections 85-1421 to 85-1427 known  
25 as the Nebraska Educational Data System. Public institutions shall

1 supply the appropriate data for the information system or systems  
2 required by the commission;

3 (7) Administer the Access College Early Scholarship  
4 Program Act, ~~and the Nebraska Scholarship Act, and the Tuition~~  
5 Equalization Grant Program Act;

6 (8) Accept and administer loans, grants, and programs  
7 from the federal or state government and from other sources, public  
8 and private, for carrying out any of its functions, including  
9 the administration of privately endowed scholarship programs. Such  
10 loans and grants shall not be expended for any other purposes than  
11 those for which the loans and grants were provided. The commission  
12 shall determine eligibility for such loans, grants, and programs,  
13 and such loans and grants shall not be expended unless approved by  
14 the Governor;

15 (9) Consistent with section 85-1620, approve, in a  
16 timely manner, new baccalaureate degree programs to be offered  
17 at private postsecondary career schools as defined in section  
18 85-1603. The commission may charge a reasonable fee based on  
19 its administrative costs for authorizations pursuant to this  
20 subdivision and section 85-1620. The commission shall report such  
21 action to the Commissioner of Education;

22 (10) Pursuant to sections 85-1101 to 85-1104, authorize  
23 out-of-state institutions of higher or postsecondary education to  
24 offer courses or degree programs in this state;

25 (11) Pursuant to sections 85-1105 to 85-1111, approve

1 or disapprove petitions to establish new private colleges in this  
2 state;

3 (12) On or before December 1, 2000, and on or before  
4 December 1 every two years thereafter, submit to the Legislature  
5 and the Governor a report of its objectives and activities and  
6 any new private colleges in Nebraska and the implementation of any  
7 recommendations of the commission for the preceding two calendar  
8 years;

9 (13) Provide staff support for interstate compacts on  
10 postsecondary education;

11 (14) Request inclusion of the commission in any existing  
12 grant review process and information system; and

13 (15) Facilitate a study that explores the following  
14 issues related to the Nebraska community college system:

15 (a) The need for changes to the statutory role and  
16 mission of Nebraska community colleges;

17 (b) Changes in the weighting of courses that may be  
18 necessary for reimbursable educational units to properly reflect  
19 the role and mission of Nebraska community colleges and the cost of  
20 providing such courses;

21 (c) Powers, duties, and mission of the Nebraska Community  
22 College Association or its successor and whether membership in such  
23 an association should be required;

24 (d) Consequences for failing to satisfy current community  
25 college association membership requirements contained in section

1 85-1502; and

2 (e) State coordination of community colleges in the  
3 absence of a community college association or membership therein.

4 The commission shall include and facilitate discussion  
5 among the state's community colleges in the completion of such  
6 study. Each community college shall participate in good faith with  
7 the conduct of such study. The commission shall report its findings  
8 to the Legislature on or before December 15, 2009.

9 Sec. 9. Original section 85-1412, Revised Statutes  
10 Supplement, 2009, is repealed.